c/m 26:1905

# DIRECTORS TO PAY \$1,400,000

FOR AMERICAN MALTING DIVI-DENDS ILLEGALLY DECLARED.

Sadgment Is Against A. M. Curtiss Individually, but Grant B. Schley, Elverton R. Chapman, Geo. F. Neidlinger and Charles A. Stadler Are Equally Liable.

alexander M. Curtiss of Buffalo, a director in the American Malting Company (New Jersey), has been held by Supreme Court Justice Clarke to be liable in the sum of \$1,087,074.59 to the stockholders of the company, for dividends illegally declared and paid by the board of directors, between July 15, 1898, and Oct. 15, 1899. The interest exceeds \$300,000, bringing the total to over \$1,400,000. This is probably the largest individual judgment rendered in the courts of this county for many years

Incidentally, every one of Mr. Curtiss's fellow directors is equally liable. The tute for trional, a sleep producing mediother directors are Charles M. Warner of | cine, acted as an irritant instead. Syracuse, Grant B. Schley of Moore & Schley, Elverton R. Chapman, George F. Neidlinger, Seymour Scott and Charles A. Suits have been begun against each of them. Mr. Curtiss will undoubtedly hald A. Hutchinson and Victor K. McFlheny. Jr., are the plaintiff stockholders, suing for themselves and other stockholders. The company joined as plaintiff.

The American Malting Company was organized on Sept. 28, 1897, with a capital of \$30,000,000, of which half was in 7 per cent. cumulative preferred stock. first quarterly dividend on the preferred stock, aggregating \$219,450, was paid on Dec. 20, 1897, and thereafter eight quarterly dividends were declared down to Oct. 15, 1899, a total of \$1,855,350. Two weeks after the last dividend, on Nov. 2, 1899, as the minutes of the board of directors shows, the affairs of the corporation were in a serious condition. Outstanding obligations amounted to \$2,800,000; no more temporary loans could be negotiated, and more working capital was needed. To raise money \$4,000,000 in fifteen year 6 per cent. mortgage bonds were issued, at a cost to the company of \$400,000 in discounts and an annual interest charge of \$240,000.

Hutchinson and McElheny began their suits against the directors, individually, alleging that the dividends had been paid out of the capital and not out of profits.

Justice Clarke says that that is a good cause for action under the precedents in this State and the corporation law of New Jersey. He refuses to entertain the claim of the directors that they merely anticipated future profits in declaring the dividends. Malt was always oversold by the company, and contracts for future deliveries, running over many months, were entered into, and on these facts it was sought to uphold the dividends.

Justice Clarke says that in considering whether the dividends were warranted or not such contracts, or the profits anticipated from them, cannot be taken into n. Under the law the dividends could be paid only from the surplus on hand or from the net profits. The future contracts might show a profit, but they might also show a loss.

\*The dividends were based on paper profits, hoped for profits, future profits not on net profits or surplus," writes the

Justice Clarke finds that a deficit of the dividend of July 15, 1898, the third after the incorporation. From that date forward to the time under consideration, Oct. 15, 1899, none of the dividends was paid out of the net profits, says the Court out of the capital, and all of them were

therefore unwarranted and illegal. Mr. Curtiss was not present at the meeting of the board of directors on Feb. 28, 1899, when the dividend for April was authorized, so, under the exemption clause contained in the General Corporation law of New Jersey to this effect, he is not liable for the amount of that dividend, which Was \$219.450.

But he is liable, says Justice Clarke, for the full amount of each of the other divi-

July	15,	1898						٠.		.,		 		 .,	\$142,774.59
Oct.	15.	1898						٠.				 ٠.	 	 ٠.	. 219,450.00
Jan.	15.	1899					٠.							 	219.450.00
July	15.	1899					••				٠.		 .,		252,700.00
Oct.	15,	1899		•••	••					.,					252,700.00
To	tal.		٠			٠.			 	٠.				 . 1	1.087,074.59

Interest on each dividend from the date of payment is also part of Mr. Curtiss's liability, says Justice Clarke.

Regarding the claim of Mr. Curtiss that he ought to be credited with the accrued profits of the corporation since then under a changed management, Justice Clarke savs that this is impossible under the law. If the law is harsh, he adds, recourse must be had to the Legislature, not to the courts. He adds:

"It does not seem to me that, in these days of great corporations and of combinations into one of many corporations, it is asking too much of directors, fiduciary officers as they are, that they should obey the law of their incorporation and not bring their companies to the verge of bankruptcy and ruin by the payment of quarterly dividends on preferred stock out of capital instead of net earnings."

As to the prayer of the plaintiffs for \$650,000 damages for waste of funds due to the mismanagement and the necessity for the bond issues, Justice Clarke says that he fails to find that there was any such wilful fraudulent and illegal conspiracy, as the plaintiffs alleged, among the directors for their personal benefit. The damage, he says, flowed out of the making of the dividends, if there was any damage, and it was therefore merged into the claim for the illegal dividends. It is not ground for a separate cause of action. 'Any other theory," Justice Clarke concludes, "would result in turning the amount recovered for illegal dividends into a

## MONEY TO SON AFTER ALL.

Daughter to Whom It Was Left Died Inte

penalty.

tate Just After Her Father. The will of William M. Caldwell, who died at Waverly, Mass., on Oct. 20, was filed for probate yesterday. The chief beneficiary, a daughter, Rose Charlotte Caldwell, died intestate at Cambridge, Mass., four days after her father, so that most of the estate will go to her brother, Towson Caldwell of Bristol, England, notwithstanding that his father left him only \$500 a year in trust, with several heirlooms, to be given over to him when he shall recover the tone of mind and health of body which is now and has been for some time lacking, and not before."

BIG SEIZURE OF BOGUS DRUGS. Medicine" by the Wagon load Confiscated in Chicago-Five Arrests Made.

CHICAGO, Nov. 29.—The war of the Government on fake medicines broke out in Chicago to-day. Acting on evidence gathered by the authorities in Washington and in other large cities, Federal detectives, assisted by the Chicago police, to-day made raids on the places where bogus drugs are said to be made, confiscated four patrol wagon loads of "medicine, and arrested five persons for misusing the mails.

This was the result here of an attack which is said to be likely to result in scores of arrests in different cities. One of the men arrested to-day said that the king

of the medicine swindle is still at liberty. The evidence upon which the arrests were made to-day was based upon a chemical analysis made by Dr. Virgil Coblentz of Columbia University. He found that a kind of triethylate, sold to druggists as a substi-

This doctored drug was being disposed of at two cents an ounce, while the genuine article sold for \$1.50 an ounce An analysis of the alleged aristol, sold as a substitute for iodoform, showed carry the judgment upon appeal. Archi- that it contained 75 per cent. of fuller's

earth colored with iron rust. Attorney Harry D. Morton of New York, who has been actively engaged in gathering the evidence, said that many more arrests were expected.

### TO THE BOTTOM OF THE SOUND. Where Mrs. Taylor Wanted to Go in a Diving Sult-Not Allowed.

MOUNT VERNON, N. Y., Nov. 29 .- Mrs. William Taylor of Stamford, Conn., went to the harbor in front of the Larchmont Yacht Club this afternoon for the purpose of donning a diving suit and going to the bottom of the harbor on a dare, but when she arrived on a big pile driver where a diver kept his suit the water was so rough that Peter J. Kane, who is a member of the Larchmont Yacht Club and a contractor in charge of the pile driver, would not allow

Mrs. Taylor is the wife of an engineer employed by Contractor Kane, who is laying a sewer in the harbor.

Mrs. Taylor rowed out to the scow. She is a woman of comfortable weight. Mr. Kane could not imagine what she wanted. "I came out here to put on a diving suit

and go to the bottom on a dare," she said. "My husband dared me to do it, and I am going to show him that I am not afraid." Mr. Kane gazed at the woman in astonishment, then looked at the combers dashing against the scow and shook his head.

I can't let you go down," said Mr. Kane. "I am not afraid," she continued. "I will remain in the water only forty minutes. Mr. Kane was obdurate, however, and Mrs. Taylor went back to Stamford vowing that when the scow reached there on Friday she would go to the bottom of the Sound.

"She is determined," said Mr. Kane afterward. "Her husband wouldn't go down in the suit and dared her, and won't take a dare."

### GUESSING CONTESTS UNLAWFUL Attorney-General Overrides Old Ruling as to "Calculation and Foresight."

WASHINGTON, Nov. 29.-The Attorney-General laid before the Cabinet to-day an opinion which he has renered on the rein various parts of the country.

The opinion was asked for because Postmaster-General Wynne believed that the opinions recently handed down by high

courts of law.

For example, the Court of Appeals of New York on Aug. 5 last ruled that any of the guessing contests referred to which lacks the elements of a legitimate besiness enterprise is a lottery within the meaning of the law affecting the transaction of lottery business through the mails.

For some time the Post Office Department that the post post of the post

ment has been acting with respect to the so-called guessing contests under depart-mental rulings which held that when "calculation, foresight, knowledge, inquiry and information are employed which en-able the participants to approximate the correct result, the use of the mails for

correct result, the use of the mans for carrying on such contests is not in violation of the law.

The United States Supreme Court and the Court of Appeals of New York, however, have maintained that cases identical in principle with those under consideration are greening contests, and are in effect. guessing contests, and are in effect

The Attorney-General bases his opinion squarely on these decisions and henceforth the guessing contests conducted by pub-lishers will be carefully scrutinized by the postal authorities. It is not the intention of the Postmaster-General to enforce the new order indiscriminately, but he will take up each case on its merits as it is presented

### HOUSE FURNACE BLEW UP. A Hundred Tenants Seared and the Janitor Hurt.

After plumbers had finished repairing the furnace in the basement of the six story apartment house at 543 East 142d street, at 7 o'clock last night, Carl Gerhardt, the janitor of the building, 74 years old, started fire in it. Two hours later the front of

the furnace blew out.

All the tenants in the building, of whom there were more than 100, were shaken up. On the top floor were fifty persons at a wake and, leaving the corpse, they hurried to the street.

The noise was heard at the Metropolitan Theatre, half a block away, and the crowd there got uneasy until the ushers assured them that nothing serious had happened.

The janitor's wife was found on her traces tragging at her husband in an effort

knees tugging at her husband, in an effort to get him away from the flaming coals that had fallen out of the furnace. The old man has severe cuts on the head and eg made by the flying iron.

### ST. LOUIS BARS HERR MOST. The Anarchist Released on His Promise to

Leave the City. ST. Louis, Nov. 29 .- On the promise that he would leave the city, Herr Johann Most, the New York Anarchist, who was arrested last night, was released to-day. His arrest followed the breaking up of two meetings at which he was to have spoken

on anarchy.

No charge was made against him and he was held for the chief. When Chief of Police Kiely had Most brought before him to-day he was asked if he would leave the city if released. On answering in the affirmative the police let him go.

LEHIGH VALLEY RAILROAD. ough cars without change to Toronto, Chicago St. Louis. Modern equipment. Dining cars a arte. Lowest fares. Particulars 355 and 1234 dway, New York.—Ads.

# TO DELAY TARIFF REVISION

GROWING FEELING AGAINST AN EXTRA SESSION.

No Doubt, However, That Dingley Schedules Will Be Revised in Roosevelt's Administration-Programme to Be Outlined Within the Next Ten Days.

WASHINGTON, Nov. 29.-The movement against any hasty revision of the tariff is indoubtedly gaining headway, although there is no marked change in the pretty general belief among the Republican leaders of all shades of opinion that a readjustment of the Dingley schedules is bound to come under the present administration.

The positive statement of Senator Hale hat he will fight revision to the last ditch and the more guarded but quite as plain meaning of Speaker Cannon's acknowledgment that he is still a "stand patter," and thinks that the country doesn't want any tariff changes, show that the readjusters will meet with strong opposition.

It is a fact, too, that the best known and ablest Republican leaders in both the Senate and the House are generally in opposition to the policy of undertaking the revision at an extra session to be held soon after the Fifty-ninth Congress comes into existence on March 4 next, and some of them. like Senator Hale, hold that the present tariff schedules are good enough and should be let severely alone.

While the ultra stand patters are aware that President Roosevelt is in sympathy with the revision movement they have no complaint or criticism to make of the course he is pursuing. They are satisfied that he regards the question as one which must be dealt with cautiously, and that whatever his personal views the wise policy for him to follow is to ascertain the spirit of the country as expressed through the representatives of the people before determin-

ing on any line of action. The President will, of course, not hesitate to state frankly what his views are and will naturally do what he can to bring Senators and Representatives into agreement with them, but it is evident that h does not intend to carry out his personal inclinations if he finds them in opposition to a majority of the strong men upon whose

judgment he feels bound to rely. Within the next week or ten days there will be developments which will doubtless show pretty definitely what the Republicans in Congress will attempt to do. Since the big leaders have become aware of the strength of the revision movement they have taken action to bring about the arrangement of a programme which will be more or less satisfactory to all sides.

This programme will be brought to the attention of the revision leaders in the near future, and it is not doubted that even if those who want to overhaul the Dingley schedules develop surprising strength they will be obliged to make some concessions to the opposition, including among its members most of the men who dete mine in nearly every instance the character and scope of important legislation.

The "stand patters," while appreciating its great advantage to their opponents, are not greatly concerned over the inclina-tion of the President, for the reason that they know that Mr. Roosevelt will do nothing to jeopardize the present solidity of the

Speaker Cannon and Attorney-General in regard Moody dined with the President at the to the status, under the Federal anti-lottery | White House to-night, and after dinner the laws, of the so-called guessing contests three had a long talk about the tariff and which are conducted by many publications other matters. Mr. Roosevelt told some of his visitors two weeks ago, who went to talk with him about the question of an extra session of Congress and the revision rulings of Assistant Attorneys-General for of the tariff, that he wished to obtain the the Post Office Department under which the views of leading members of the House, Department has been acting for several mentioning especially the Speaker.

years were not consistent with certain After the White House dinner and con-

ference to-night, Mr. Cannon said: "I said yesterday practically all that I could say about the talk of revising the tariff. As I said then, things seem to be running along about right as they are now. As to what will be done I don't know: I'm just waiting, as everybody else seems to be. To quote the late Tom Reed, it is a mighty easy thing to revise the tariff on paper. If we could get some few amendments that would satisfy all the various newspaper opinion, and suit every interest. why, it would be an easy matter. There is not any occasion for an upheaval."

Mr. Cannon expressed his views frankly and fully to the President. As to the President's ideas on the subject, the Speaker had nothing definite to say, but made no secret of the fact that Mr. Roosevelt is seeking the fullest counsel of the leaders in the Senate and House.

## BOSS FARMERS TO CONFER.

Canadian Minister and Secretary Wilson to Meet at Chicago Stock Show.

CHICAGO, Nov. 29.-John Dryden, Canadian Minister of Agriculture, arrived to-day to attend the stock show. To-morrow he expects to meet Secretary of Agriculture Wilson, who is on his way from Washington, and have a conference. One of the subjects which Minister Dryden plans to take up with Secretary Wilson is the need of revising the tariff on Canadian imports.

"The tariff wall should be lowered," said the Canadian Minister. "The great expense of shipping cattle from Canada to the United States has in a measure restricted our exhibit at the stock show. Canada is flowing and the wheet reiging courter. burishing, and the wheat raising country the Northwest is bound to make a record some day. Everything raised in our lati-tude is hardier than the products of land further south and is better."

## TROLLEY ACCIDENT A MURDER? Pittsburg Motorman Says Man He Ran Over

Was Pushed Under Car. PITTSBURG, Nov. 29.-Motorman Jacob Fender of the Pittsburg Street Railway made a charge of murder against Levi Hutson of Boston, to-day. Hutson was arrested and held. John J. Mansfield, a marine engineer

of Providence. R. I., was killed by a traction car last evening between Ninth and Tenth streets, Esplen. The men were friends and were employed by the Pittaburg Railways Company at Brunos Island. Fender said as his car was approaching the place where Mansfield and Hutson stood, the latter pushed Mansfield and he fell in front of the car. Hutson is with the bare told the conductor that there is said to have told the conductor that there was a man under the car, after which he went away. When arrested Hutson maintained that his componion fell in front of the car. Mansfield was 58 years old and

Hutson is 21 years old. 15 Hours and 20 Minutes to Cleveland. Pennsylvania Railroad's fast service. Leave New York 4:55 P. M., daily, and arrive Cleveland 7:15 next morning. Through Pullman drawing room

#### CHILDREN AS DETECTIVES. Boys and Girls Trying to Help Mr. Bandelow Find His Child.

Schoolboys and schoolgirls in Brooklyn are aiding William Bandelow, of Seventh street, Manhattan, in a search for his little son George, who has not been seen by his father since he accompanied his mother and sister on the ill-fated General Slocum disaster on June 15 last. Mrs. Bandelow

and her daughter lost their lives. A reward of \$100 is offered for information eading to the finding of the child by Mr. Bandelow, who is a designer of women's clothing and is well to do. Circulars bearing pictures of the boy, who is 3 years and a half old, and describing him are being handed around among the school children by Mr. Bandelow personally, the necessary ermission having been secured from School Superintendent Maxwell.

In the East New York section of Brooklyn especially the search is being pushed, for somewhere in this district Mr. Bandelow is confident his child is living, zealously cared for by a woman who has learned to love the little fellow as her own. She is supposed to live in the neighborhood of Wyona street and Liberty avenue, but so far the efforts of Mr. Bandelow and the police have failed to locate her. Her name is known. A small boy whose description corresponds with the Bandelow child and who, she is said to have told persons, was rescued from the General Slocum, was seen at Canarsie, Brooklyn, last summer by friends of a friend of Mr. Bandelow.

The woman, according to Mr. Bandelow's friends, said she would gladly return him to his parents if they could prove their claim to the child. She was keeping him dressed, she said, in clothing the same as he wore when taken from the burning boat, a sailor suit and cap of blue, the former with bloomer knee breeches.

Capt. S. H. Berg of the United States Life Saving Corps, who made many rescues at the Slocum disaster, told Mr. Bandelow that he is sure he rescued his little boy from the wreck.

### CUBA'S PLANS TO PAY SOLDIERS. Bond Issue of \$28,500,000 or a Loan of \$10,000,000.

Special Cable Despatch to THE SUN.
HAVANA, Nov. 29.—The proposed internal bond issue of \$28,500,000, as cabled to THE SUN last Friday, is not a loan, but a method by which the ex-soldiers are to receive the balance due them in bonds. The advantage of this plan from the speculators' point of view is that the average ex-soldier is expected to convert his bonds into cash at an enormous discount. Thus the country would incur a big indebtedness for the benefit of the outsiders who would buy the bonds.

By another plan that has been proposed. the issue of a loan of \$10,000,000 in order to settle the claims on a percentage basis, the soldiers would probably get as much

in actual cash as by the former plan.

At present speculators and members of Congress are busy buying up claims to enable them to control the situation. The result is that the ex-soldiers, who do not understand the situation, are likely to sell their claims. When all of these that can be bought are purchased it is expected that the passage of a bill providing either for a loan of \$10,000,000 or a bond issue of \$28,500,000 will be attempted in Congress. \$28,500,000 will be attempted in Congress. It is obvious, therefore, that the longer the matter is delayed the worse it will be for the ex-soldiers, who, losing hope, will sell their claims, and the better it will be for the usurers. Congress appears to be entirely indifferent to the real purposes of

### DANE DROWNED BY HIS GOLD. Birth Balances a Suicide in the Steamship Bluecher's Capitation.

F. E. Daldorph, a melancholy Dane, who was a second cabin passenger aboard the Hamburg-American liner Bluecher, in yesterday, jumped overboard in midocean on Thursday afternoon in a gale. Chief Officer Franck, who was on the bridge, hurled a life buoy toward the Dane, who sank like a shot, and was never seen again.

He was about 63 years of age and had left \$212 in paper money with the purser after boarding the ship. What sent him to the bottom so swiftly was a belt filled with gold and silver. His fellow passengers

gold and silver. His fellow passengers say that he was gloomy and lamented that he had lost all his friends.

He said that he had lived some time in America and that he had been on a visit to his old home where he found the times changed and a new generation that did not know him.

changed and a new generation that did not know him.

One leaf falleth and another cometh.

On the day the Dane reduced the number of the ship's company, one of the 1.492 steerage passengers, Mrs. Francesca Schuch, who already had a brood of five, balanced the ship's account by adding one. She is a Bonemian, bound for the mining dis-

### MUSTN'T GUN FOR COL. GREENE In the Effete East-Arizonan Let Go, but With a Warning.

James W. Goodman of Arizona, who drew a pistol on Col. W. C. Greene of the Greene Consolidated Copper Company on April 9, pleaded guilty before Judge Foster in General Sessions yesterday to assault in the second degree in the second degree.

Col. Greene sent a letter saying that while

col. Greene sent a letter saying that winds he felt Goodman's attack on him was unwarranted he would not object to a suspension of sentence if Goodman promised to be good. The District Attorney did not which and Index Foster and object and Judge Foster said:
"Your case is an unusual one in our community. It savors of the wild West. I could send you to State's prison for five years, but I am going to suspend sentence, I warn you that hereafter you must keep the peace or it will go hard with you.

### STREET TOOTHPULLING. Breeklyn Alderman Wants It Forbidden

Alderman Redmond presented at yes-

terday's meeting of the board an ordinance to restrain "the public practice of dentistry in the streets." The ordinance is intended to prevent a certain dentist in Brooklyn from advertising his business by treating suffers gratuitously at various street stands in Brooklyn. The matter was referred to the Committee on Law and

Lagislation.

The board passed an appropriation of \$50,000 to pay the expenses incurred by the Police and Charities departments in the reacue and relief work in connection with the General Slocum disaster.

# Mary Mulligan was hired as a servant

on Monday afternoon by Mrs. Frank Henke of 59 East 129th street. Last evening Mrs. Henke, returning to the house, found her new servant stretched out on the floor of the kitchen in a doze. Mrs. Henke also the kitchen in a doze. Mrs. Henke also found a package containing silverware and jewelry valued at about \$500, which had been tied up and put on the table in the dining room. Policeman Van Blarcom tackled Mary, and then went to the Harlem Hospital to have his hand cauterized. The patrol wagon and three cops finally got Mary to a cell. She had two tablecloths and as many pieces of silk under her petticoat.

# DROPS \$15,000 AT ROULETTE.

L. W. AHRENS WAS A CUSTOMER OF HARRIS PARR'S.

The Gambling Apparatus of the Place Seized in Election Night Raid Burned Up Yesterday in the Criminal Courts Furnace—The Gamblers Pay Fines.

When District Attorney Jerome and two of his assistants, Lord and Corrigan, with agents of the Goddard Anti-Policy Society, raided Harris Parr's gambling house in West Eighty-second street on election night there was a lot of speculation about the occasion of the raid. It was learned yesterday that one of the men who had gambled and lost in the house was L. W. Ahrens, the stationer and printer in Liberty street, who is a member of the Tammany Hall general committee and has done

much city printing. Mr. Ahrens lost about \$15,000 in one night at roulette. He paid by a check or checks. Then he became suspicious that everything wasn't all right and stopped the checks. This story leaked out of the District Attorney's office yesterday after Parr and the three men who were arrested with him in the house, Edwin Barclay, James Dunbar William J. Whitbeck, had pleaded guilty in the General Sessions.

District Attorney Jerome refused to say anything about Mr. Ahrens's gambling troubles, except that he did not know of them when the raid was made. At Mr. Ahrens's home, in West Eighty-third street, where he was under a doctor's care with his counsel, Maurice B. Blumenthal, the former Assistant District Attorney. Mr Blumenthal made this statement:

"Mr. Ahrens claims that any money or check obtained from him by these men (Parr, et al.) was obtained through fraud, and therefore Mr. Ahrens is not and never was indebted to them, either legally or morally."

It was said around the District Attorney's office that Mr. Ahrens felt at the time that he had been cheated by crooked roulette wheels. Mr. Jerome examined the gambling implements seized, but could not find that there was anything crooked about them. They were more expensive than any gambling materials taken from any house he has raided, with the one exception of Canfield's.

When Parr and his three associates were arraigned before Judge Foster yesterday morning Parr was fined \$250 and the others \$50 each. Then Mr. Jerome put Parr on the witness stand. Parr swore that the gambling apparatus was his. Thereupon Mr. Jerome asked Judge Foster for an order to destroy the stuff, which was granted.

Mr. Jerome sent a couple of subpæna servers to the property clerk's office at Police Headquarters, and all the gambling tools were carted to the Criminal Courts Building. They filled a big wagon, which attracted a crowd when it backed up in front of the Franklin street entrance There were two roulette wheels, a baccire outfit, two fare layouts, several hundred packs of cards and a basket of chips.

All the stuff was carried into the base ment near the furnace. Chief Clerk Henneberry and a couple of husky assistants with axes backed away at the wheels and tables, but the wood was tough and they had a hard job. They made so much noise that the Judges in the courtrooms heard them. Finally all the stuff was smashed and dumped into the furnace.

## THEY AGREE TO DISAGREE. Dr. Paynes Escorts His Wife West, Where

She Hopes to Get a Divorce. RIVERHEAD, L. I., Nov. 29.-Dr. Albert E. Payne has put his parents in charge of his home here, left his practice in charge of other physicians and is travelling West. escorting his wife to South Dakota, where she hopes to obtain a divorce from him. After installing Mrs. Payne there the doctor will return and resume his practice.

Mrs. Payne must remain six months in South Dakota to establish her residence. and if she obtains the divorce it is believed that the doctor will escort her home. The couple appear to have agreed that they had best separate while their differences are trivial rather than wait for them to become itter. The doctor and Mrs. Payne left

Riverhead yesterday
Some time ago, before the decision was made that there should be a legal separation, the doctor and his wife consulted several intimate friends. According to these friends each absolved the other of wrongdoing, but both agreed that love was a thing of the past. Capt. Payne, the doctor's father, admitted to-day that Dr. Payne was escorting his wife to South Dakota.

"They have agreed that it is best to disa-gree." he said.
"Why did the doctor find it necessary to ecompany his wife on her trip to Dakota, "And why inot?" he replied. "The young woman is not used to travelling. While she and her husband are not models as husband and wife, they are good friends enough to travel together."

### BAY STATE SETTLEMENT NEAR. Suits by Receiver Pepper Against Addicks and Others May Be Compromised.

PHILADELPHIA, Nov. 29 .- "If Mr. Addicks and his codefendants carry out the promises they have made between now and Saturday morning the United States Court will be asked to accept the terms of the compromise and dismiss the suits begun by George Wharton Pepper as receiver of the Bay State Cas Company."

This authoritative statement was made this afternoon. No further conferences were held to-day between the opposing counsel, but Mr. Addicks's counsel were hard at work getting matters in shape to make the promises good. George Wharton Pepper, receiver of the Bay State Gas Company, said: If the other side is able to carry out the

the other side is able to carry out the terms of the offer they made to us yesterday I anticiplate that a compromise is likely. We were prepared to go on with our argument when the defendants made their offer. The terms were such that the attorneys for the receiver were inclined to receive them with favor. The court will have to pass on the metter before any have to pass on the matter before any agreement is accepted."

### SHOPPERS SEE A SUICIDE. Russian Tailor Shoots Himself in Chicago Store After Firing at His Wife.

CHICAGO, Nov. 29. - Paul Hercsik, a tailor, shot and killed himself late this afternoon while shopping with his wife in a crowded department store. He first attempted to kill his wife. After missing her with the first shot he turned the revolver on him-

self.

Herosik was a Russian, 28 years old, and came to Chicago from Trenton, N. J. He is supposed to have been partly demented and to have been jealous of his wife.

## CALVE HAS APPENDICITIS. Taken Suddenly III and Must Submit to an

Special Cable Despatch to THE SUN. VIENNA, Nov. 29 .- Mme. Calvé, the opera singer, was taken suddenly ill this evening. The doctors diagnosed the trouble as appendicitis, and it is probable that an operation will be performed.

Meanwhile a large audience awaited Mme. Calvé's appearance at the Opera House. The manager announced her sickness, which called forth general sympathy. Mme. Calvé must abandon an extensive tour that had been arranged for her.

## TO EUROPE IN THIRTY HOURS. Retired Naval Officer Promises Sensation

in His New Airship. PHILADELPHIA, Nov. 29.-D. Gold, a retired naval officer, living at 5407 Girard avenue, says that next spring the world's mode of travel will be revolutionized by the appearance of the Gold new explosive airship, with a speed of 100 miles an hour and its propellor going 3,000 revolutions a minute. Europe in thirty hours, Chicago

in ten, savs Mr. Gold. He has had a model built, but will wait till winter is over to go up in it. All he needs to spring the airship on the world s the confidence of a few millionaires.

"I have served seventeen years in the navy and have studied the wind," said Gold to-day. "The wing shakes of the condor and Australian crane, the fastest birds, do not exceed 100 per minute. My propellers will revolve 3,000 times. I a sore throat, reporters were referred to can sail away from anything except greased lightning.

> "In the place of the usual silk bag will be one of aluminum. Every part of the airship must be stiff and rigid. The ship will be 100 feet long and 30 feet in breadth. It will provide accommodations for a motorman, a sky pilot and six passengers, with

### WENTZ PROVIDED FOR FIANCEE. St. Louis Girl Gets Life Interest in Estate

of Philadelphian Who Was Killed. PHILADELPHIA, Nov. 29.—The bulk of the estate of Edward L. Wentz, the wealthy Philadelphian who was mysteriously killed in the West Virginia mountains last winter, is left in trust to his fiancée, Cornelia Brookmire, of St. Louis. The estate is worth from \$200,000 to \$500,000. The will was executed Sept. 8, 1903, a few days before Wentz disappeared. Miss Brookmire is to enjoy a life interest in the estate.

Upon the death of Cornelia Brookmire the principal of the trust fund is to be paid to the testator's two brothers in equal shares, and if they do not survive the testator the money is to go to their descendants. Should both die without leaving heirs, the principal is devised to Phillips Andover Academy, Andover, Mass.

## ANGERED BY VARDAMAN.

Hundred Mississippians Wire Disapproval of His Remark About Boosevelt. CARNEGIE" HALF MILLION NOTE ST. LOUIS, Nov. 29.—The following protest against Gov. Vardaman's sarcastic reply to David H. Francis on Monday, received here to-day, was signed by 190 prominent business men and citizent of Natchez:

"NATCHEZ. Miss., Nov. 29.

\*Hon. David H. Francis, President World's Fair Commission, St. Louis, Mo. \*DEAR SIR: The undersigned merchants and representative citizens of Natchez. appreciating the courtesy of your telegram to the interest manifested by President Roosevelt in our exhibit at the World's Fair, beg to hereby express our regret and to Mrs. Chadwick. It was that bank which disapproval of our Governor's sarcastic

### and misguided reply thereto." TWICE FIRED FATHER'S HOUSE. Seven-Year-Old Washington Boy Wanted

to See the Engines. WASHINGTON, Nov. 29 .- Tommy King, 7 years old, was arrested here to-day charged with twice setting fire to his father's house. He confessed that he did it in order to see

the fire engines. The first fire was yesterday and did little damage. To-day the boy used coal oil

and made a big blaze. His father, who was suffering from a broken leg, narrowly escaped being burned

#### to death. RECEPTIONS TO TAFT. President of Panama Gives Formal Welcome to the American Envoy.

Special Cable Despatch to The Sun.
PANAMA, Nov. 29.—The reception given last night by Minister Barrett in honor of Secretary of War Taft was a brilliant affair calling together the most distinguished assemblage in Isthmian history. Mr. and Mrs. Taft and President and Mrs. Amador received the 200 guests. President Amador gave a reception to-night in honor of

Secret conferences are being held between Mr. Taft in his capacity as special American Envoy and the Government of Panama. The general feeling is that a satisfactory arrangement will be reached.

### NO OPTIONS AT OXFORD. Proposal to Adopt the System Is Voted

Down. Special Cable Despatch to THE SUN. LONDON, Nov. 29. - The Oxford Congregation to-day, by a vote of 200 to 161, rejected a proposal that in their entrance examinations candidates who are seeking honors in mathematics or natural science should be allowed to substitute French

or German for Greek. In opposing the proposal W. H. Hadow, one of the public examiners for final honors in literis humanioribus, cited the Ameri-can universities whose systems are largely based on the scheme of options or alterna-tives. He said he had visited several of these universities in 1903, and he thought the system was educationally unsatisfactory. He found that they hoped that Oxford would adhere to its own system, and that they regretted following Harvard's lead in adopting the optional system.

### GIRL SAVES A TRAIN. Flags Express on C. & O. as It Was Rush-

ing Toward Burning Bridge. LEXINGTON, Ky., Nov. 29.-Miss Lena Allen, the twenty-year-old daughter of Frank Allen, a farmer of Montgomery county, discovered a burning bridge on the Chesapeake and Ohio road, a short dis-tance from her home, this morning. With a red tablecloth she flagged the westbound passenger train when it was within a few yards of the bridge on a curve,

Latest Marine Intelligence. Arrived: Sa Alliança, Colon, Nov. 23,

engers who were asleep at the time.

# A CHADWICK SUICIDE RUMOR

PRICE TWO CENTS.

WIRED FROM CLEVELAND DIS-TURBS HOLLAND HOUSE.

Mrs. Chadwick Not There, They Persist, and Nobody Dead There-Police and Deputy District Attorney Among the Inquirers Conclude It's a Mistake.

Despatches from Cleveland, Ohio, last night said that it was persistently rumored there that Mrs. Cassie Chadwick, whose troubles with creditors over paper she has placed as collateral have made much talk recently, had committed suicide some-

It was a rather unconfident rumor that floated about the city of Cleveland for the first despatch from there had a woman answering the description" of Mrs. Chadwick dead by her own hand in Anderson Ind. A second telegram from Cleveland made the Holland House in this city the scene. This despatch led a New York newspaper to appeal to the Coroner's office

to discover the suicide The man in charge at the Coroner's office turned the task over to the Tenderloin police. In the course of it's transmission this rumor from Cleveland had grown into quite a tale and the police at the Tenderloin station accepted it as a fact.

When the word was received from the Coroner's office Capt. Cottrell, wth his staff of detectives, was in conference with Deputy Assistant District Attorney Paul Krotel regarding the case of Frank Felton, who shot and killed Guy Roche on Broadway on Thanksgiving day.

The captain, his sleuths and Krotel hotfooted for the Holland House. They went up to the desk and demanded all the information there was concerning Mrs. Chadwick's suicide. The clerk replied slowly and in the stereotype form with which he had greeted reporters earlier. He said: There is no one dead at this hotel. There has been no suicide here. Mrs. Chadwick is stopping here."

This did not seem to satisfy the captain. his sleuths or the Deputy Assistant District Attorney for all hands seated themselves on one of the settees in the lobby and announced that they would see the manager of the hotel.

The latter didn't arrive until nearly midnight and when questioned he assured the captain that there had been no suicide at the hotel, that there wasn't even a sick person in the house and that Mrs. Chadwick had left the hotel on Saturday. Where Mrs. Chadwick had gone the manager said he didn't know. He was positive, he said, that Mrs. Chadwick would not return to the hotel.

With that Capt, Cottrell announced that

he was satisfied that the manager was telling the truth, and with the detectives and Krotel he left the hotel and returned to the station house. Meanwhile forty-eight reporters had assembled at the Holland House. They kept on waiting in the expectation that a Coroner would arrive

Exhibited by Mrs. Chadwick-Andrew Carnegie Never Made It. According to the statement of a lawyer in this city yesterday, Mrs. Chadwick, who is being sued by Banker Herbert B. Newton of Brookline, Mass., and others for loans made to her aggregating \$500,000, had at one time a note bearing what purported to be the signature of Andrew Carnegie. of the 28th inst., to Gov. Vardaman, relative | This note was for \$500,000, so it is said, and was accepted by the Citizens' National Bank of Oberlin as collateral for loans made

> Mr. Carnegie says he has signed no such Despatches from Oberlin are to the effect that the bank holds at present as security for these loans, two notes, one of which is for \$500,000 and which the president of the institution had, it was said, regarded as gilt-edged security. The bank officers have not disclosed so far the names of

closed its doors on Monday and which holds

Mrs. Chadwick's notes for large amounts.

the makers of these notes. George E. Ryall of 309 Broadway, who is acting as counsel for Mr. Newton in the suit he has brought against Mrs. Chadwick in the Supreme Court here, was the man who made the statement regarding the \$500,000 note purporting to bear Mr. Carnegie's signature. His announcement followed a conference held in his office the night before, at which were present Mr. Newton, Perry L. Carver, his Boston attorney, and Judge Albaugh of Canton, Ohio, who is acting for Mrs. Chadwick. The conference was in regard to a settlement of Mr. Newton's claim. Said Mr.

Rvall: "Mr. Newton has said that at the time Mrs. Chadwick borrowed the money from him which he now wants to recover she exhibited a note for \$500,000. The note was one purporting to have been made by Andrew Carnegie and bore the indorsements of two officers of the Citizens' National Bank of Oberlin. Judge Albaugh, Mrs. Chadwick's counsel, confirmed Mr. Newton in this statement and said that he

also had seen the note. "Mr. Newton did not make any inquiry as to the genuineness of the signature, as Mrs. Chadwick had already shown him a memorandum of collateral security of here held by a Mr. Reynolds, treasurer of the Wade Park Bank of Cleveland, to whom she had given a power of attorney. This collateral she said was worth \$5,000,000. Mrs. Chadwick assigned this collateral to Mr. Newton subject to a prior lien of \$1,000,-000 on it. Mr. Newton has never been able to get at this collateral or even to see what

to get at this collateral or even to see what it is really worth.

"As for the note purporting to have been made by Mr. Carnegie, I understand that Mrs. Chadwick subsequently gave it to the Oberlin bank as collateral for several loans, and that the bank at present holds the note.

"Mr. Newton has applied for a receiver in Cleveland for Mrs. Chadwick's property and has secured an injunction restraining Mr. Reynolds or any one else from disand has secured an injunction restraining Mr. Reynolds or any one else from disposing of any of her securities, pending the outcome of his suit. The hearing as to the receivership was put off until Friday at the request of Mrs. Chadwick, who asked for the conference of Monday night. Judge Albaugh for Mrs. Chadwick said at the conference that he believed a full settlement could be made and we gave him until Friday to arrange it. If we do not get it by that time the proceedings will go on."

Andrew Carnegie, through his secretary yesterday, made this statement:

"I know nothing of Mrs. Chadwick and have never heard her name before I saw it in the papers. The entire report is absurd. I know nothing of the woman or her declines and have had no business.

by that time the proceedings will go on

her dealings and have had no business relations with her."

According to Mr. Ryall, Mrs. Chadwick, tried some weeks ago to settle with Mr. Newton, who has two suits pending against her here, one for \$90,000 and one